

OCT 11 2007

Application No.: 10/782,827
Docket No.: SNH 3001REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. Claims 1, 12, 19, 21, 23, and 24 have been amended. Claims 7, 8, 10, 11 and 18 have been cancelled. Currently, claims 1-7, 9-17, and 19-25 are pending in the present application of which claims 1, 12, 19, 21, and 23 are independent. No new matter has been added.

The courtesies extended to Applicant's representative by Examiners Arnold and Richter at the interview held May 23, 2007 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

Claims 12-15 were rejected under 35 U.S.C. §112, first paragraph, because the specification allegedly does not provide antecedent basis for the phrase "said female patient" in Claim 12. Claims 1-7, 9-17, and 19-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,149,933 to Nelson, in view of U.S. Patent No. 4,985, 443 to Montes, "International Journal of Artificial Organs 2000", 23(8), 568, to Kolyadenko et al. (hereinafter "Kolyadenko") and "Biology of Reproduction" 1973, 8, 495-498, to Randic. The above rejections are respectfully traversed for at least the reasons set forth below.

Application No.: 10/782,827
Docket No.: SNH 3001

Claim Rejection Under 35 U.S.C. §112

Claims 12-15 were rejected under 35 U.S.C. §112, first paragraph, because the specification allegedly does not provide antecedent basis for the phrase "said female patient" in Claim 12. Claim 12 has been amended to correct this by deletion of the word female.

Withdrawal of this rejection is respectfully requested.

Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 1-7, 9-17, and 19-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,149,933 to Nelson, in view of U.S. Patent No. 4,985, 443 to Montes, "International Journal of Artificial Organs 2000", 23(8), 568, to Kolyadenko et al.

Application No.: 10/782,827

Docket No.: SNH 3001

(hereinafter "Kolyadenko") and "Biology of Reproduction" 1973, 8, 495-498, to Randic. This rejection is respectfully traversed because Nelson, Montes, Kolyadenko and Randic, considered singly or in combination, fail to teach or suggest the claimed invention as set forth in claims 1, 12, 19, 21, and their dependents.

At the interview, the prior art of record was discussed. At the interview of May 23, 2007, the examiners recommended that amending that the claims to include specific ranges for the main components of the composition would overcome the prior art of record. These components are vitamin B12, copper, folic acid, and vitamin C. These amendments have been made to independent claims 1, 12, 19, 21 and 23.

It is believed that claims 1, 12, 19, 21 and 23 are now in condition for allowance. Additionally, claims 2-5, 9, 16, and 17, depending from claim 1, are allowable at least by virtue of their dependencies; claims 13-15, depending from claim 12, are allowable at least by virtue of their dependencies; claim 20, depending from claim 19, is allowable at least by virtue of its dependency; claim 22, depending from claim 21, is allowable at least by virtue of its dependency; and claims 6 and 24-26, depending from claim 23, are allowable at least by virtue of their dependencies.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

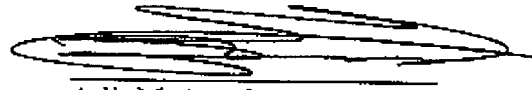
Application No.: 10/782,827

Docket No.: SNH 3001

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
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Date: October 11/2007